



# **CITY OF COLUMBUS**

## **DEPARTMENT OF BUILDING AND ZONING SERVICES**

### **One Stop Shop Zoning Report** Date: Thu Apr 28 2016

General Zoning Inquiries: 614-645-8637

#### **SITE INFORMATION**

**Address:** 3592 N HIGH ST COLUMBUS, OH

**Mailing Address:** 1 DAVE THOMAS BLVD  
DUBLIN OH 43017-5452

**Owner:** BERLIN RHOMA V D M SU-TR

**Parcel Number:** 010058314

#### **ZONING INFORMATION**

**Zoning:** ORIG, Commercial, C4  
effective 2/27/1928, Height District H-35

**Board of Zoning Adjustment (BZA):** N/A

**Commercial Overlay:** N/A

**Graphic Commission:** N/A

**Area Commission:** Clintonville Area Commission

**Planning Overlay:** N/A

**Historic District:** N/A

**Historic Site:** No

**Council Variance:** N/A

**Flood Zone:** OUT

**Airport Overlay Environs:** N/A

#### **PENDING ZONING ACTION**

**Zoning:** N/A

**Board of Zoning Adjustment (BZA):** N/A

**Council Variance:** N/A

**Graphic Commission:** N/A





Mayor Michael B. Coleman

## BOARD OF ZONING ADJUSTMENT APPLICATION

City of Columbus, Ohio • Department of Building &amp; Zoning Services

757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • [www.columbus.gov](http://www.columbus.gov)

OFFICE USE ONLY

Application Number: BZA 16-050  
 Date Received: 18 Apr. 2016  
 Commission/Civic: Clintonville  
 Existing Zoning: \_\_\_\_\_ Application Accepted by: JF Fee: \$1900  
 Comments: \_\_\_\_\_

## TYPE(S) OF ACTION REQUESTED

(Check all that apply)

☒ Variance ☐ Special Permit

Indicate what the proposal is and list applicable code sections.

To request a variance from Section 3312.27 to reduce the parking setback from 10 feet to three and a half feet on High Street, and from 10 feet to four feet on Torrence Road.

**LOCATION**

1. Certified Address Number and Street Name 3592 N. High St.  
 City Columbus, State Ohio Zip 43214  
 Parcel Number (only one required) 010-058314 & 010-058312

**APPLICANT:** (IF DIFFERENT FROM OWNER)

Name Wendy's  
 Address One Dave Thomas Boulevard City/State Dublin, Ohio Zip 43017  
 Phone # 614.764.8414 Fax # \_\_\_\_\_ Email greg.alexander@wendys.com

**PROPERTY OWNER(S):**

Name Berlin Rhoma V D M SU, Trustee  
 Address 3636 North High Street City/State Columbus, Ohio Zip 43214  
 Phone # \_\_\_\_\_ Fax # \_\_\_\_\_ Email \_\_\_\_\_  
☐ Check here if listing additional property owners on a separate page.

**ATTORNEY / AGENT** (CHECK ONE IF APPLICABLE)
☒ Attorney ☐ Agent

Name David Hodge, Esq., Underhill & Hodge LLC  
 Address 8000 Walton Parkway, Suite 260 City/State New Albany, Ohio Zip 43054  
 Phone # 614.335.9320 Fax # 614.335.9329 Email: david@underhillyaross.com

**SIGNATURES** (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE Wendy's By: David Hodge  
 PROPERTY OWNER SIGNATURE Berlin Rhoma V D M SU, Trustee By: David Hodge  
 ATTORNEY / AGENT SIGNATURE \_\_\_\_\_

**PLEASE NOTE:** incomplete information will result in the rejection of this submittal.

Applications must be submitted by appointment. Call 614-645-4522 to schedule.

Please make all checks payable to the Columbus City Treasurer



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## AFFIDAVIT

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME David Hodge, Esq.  
of (1) MAILING ADDRESS Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054  
deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the  
name(s) and mailing address(es) of all the owners of record of the property located at  
(2) per ADDRESS CARD FOR PROPERTY 3592 N. High St., Columbus, Ohio 43214  
for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building  
and Zoning Services, on (3) \_\_\_\_\_

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) Berlin Rhoma V D M SU, Trustee

3636 North High Street

Columbus, Ohio 43214

APPLICANT'S NAME AND PHONE #  
(same as listed on front of application)

Wendy's

614.764.8414

AREA COMMISSION OR CIVIC GROUP  
AREA COMMISSION ZONING CHAIR OR  
CONTACT PERSON AND ADDRESS

(5) Clintonville Area Commission

Dana Bagwell

3982 North High Street, Columbus, Ohio 43214

and that the following is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the application was filed, and all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property:

(6) PROPERTY OWNER(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS

Please see attached list of property owners.

☒ (7) Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 18th day of April, in the year 2016

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

Notary Seal



(8) Kimberly R. Grayson  
Notary Public, State of Ohio  
My Commission Expires  
January 11, 2021

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## STATEMENT OF HARDSHIP

APPLICATION # \_\_\_\_\_

### 3307.09 Variances by Board.

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
1. That special circumstances or conditions apply to the subject property that does not apply generally to other properties in the same zoning district.
  2. That the special circumstances or conditions are not the result of the actions of the property owner or applicant.
  3. That the special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.
  4. That the grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

**I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:**

Please see attached Statement of Hardship.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

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**3592 NORTH HIGH STREET****Statement of Hardship****3592 North High Street**

The applicant, Wendy's, currently operates a restaurant on this property, which is located at the northeast corner of High Street and Torrence Road. Wendy's seeks three variances to accommodate a raze and rebuild for a new, pilot concept, restaurant on the property. The following variances are necessary:

**C.C. 3312.27 – Parking setback line.**

This section requires parking and maneuvering setbacks to be 10 feet from the street right-of-way line, the applicant requests a reduction to 3.5 feet on High Street, and 4 feet on Torrence Road. Along High Street the southern access point will be closed and landscaping will be installed within that area. In addition, along the rear of the property a 4 foot landscape island will be installed and that perimeter will be landscaped in accordance with buffering standards.

**C.C. 3356.11 – C-4 district setback lines.**

This section requires a minimum building setback of 60 feet from the property line at High Street, a variance is requested to reduce the building setback to 26.5 feet. The 60 foot setback requirement is unreasonable along this stretch of High Street, poses a practical difficulty to the applicant, and renders the property practically undevelopable.

The totality of the circumstances justifies the approval of the requested variances. The southern curb-cut will be closed, as it exists this curb-cut is technically too close to the High Street / Torrence Road intersection. The redevelopment therefore constitutes an improvement to the traffic patterns at this intersection as well as the onsite circulation. In addition, the parking spaces along the east side of the property are currently on the property line and allow uninhibited access into the alley. The required buffering is not provided between this commercial use and the residence further the east. This is a legal nonconformity that will be rectified with this redevelopment with the 4 foot island being created and landscaping in accordance with the Zoning Code being installed.

These special circumstances and conditions do not apply generally to other properties in the C-4 zoning district. There are existing nonconformities on the property and this redevelopment proposal remedies those conditions making this site an improvement in terms of both aesthetics and functionality. These special circumstances and conditions are not the result of actions of the applicant, the existing development on the property predates many of the applicable development standards and the proposal constitutes an improvement. The approval of these variances will allow for the proposed redevelopment of a use permitted in the underlying C-4, in a responsible way, more protective of surrounding owners and the neighborhood generally than the current development. The grant of the variances will not be injurious to neighboring properties and will not be contrary to the public interest or the intent or purpose of the Zoning Code.

The applicant respectfully requests that the variances be granted.

Wendy's

Signature of Applicant:

David Hody - attorney

Date:

April 18, 2016



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: C

DATE: 4/22/16



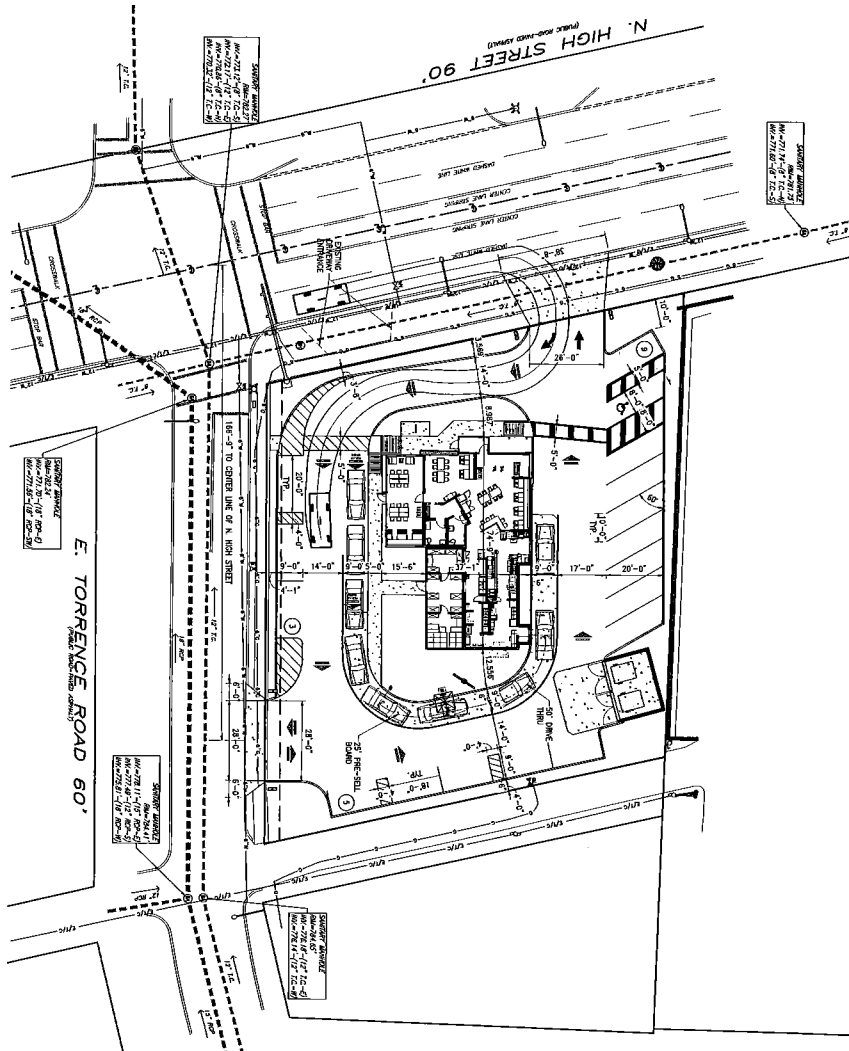
Disclaimer

Scale = 100



This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

Real Estate / GIS Department

[illegible][illegible][illegible]

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**Wendy's**   
CONCEPTUAL SITE PLAN

WENDY'S RESTAURANT  
3592 N. HIGH STREET  
CITY OF COLUMBUS  
COUNTY OF FRANKLIN  
STATE OF OHIO

SEA

PLAN No.

DATE:	SHEET No.
4/15/16	CP-2





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## PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

**THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED.** Do not indicate 'NONE' in the space provided.

APPLICATION # \_\_\_\_\_

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) David Hodge, Esq.

of (COMPLETE ADDRESS) Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054  
deposes and states that (he/she) is the APPLICANT, AGENT OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application and their mailing addresses:

NAME

COMPLETE MAILING ADDRESS

Wendy's

One Dave Thomas Boulevard, Dublin, Ohio 43017

SIGNATURE OF AFFIANT

David Hodge

Subscribed to me in my presence and before me this 18th day of April, in the year 2016

SIGNATURE OF NOTARY PUBLIC

Kimberly R. Grayson

My Commission Expires:

January 11, 2021

Notary Seal Here



**KIMBERLY R. GRAYSON**  
Notary Public, State of Ohio  
My Commission Expires  
January 11, 2021

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